

Amendment and Response under 37 C.F.R. 1.116

Applicant: Dale D. Timm et al.

Serial No.: 10/796,720

Filed: March 9, 2004

Docket No.: 200316152-1

Title: FLUID EJECTION DEVICE AND MANUFACTURING METHOD**REMARKS**

The following Remarks are made in response to the Final Office Action mailed November 1, 2006, in which claims 7-10, 14-16, and 48-63 were allowed, claims 1-6, 11-13, 17-19, 22, and 23 were rejected, and claims 12, 13, 20, and 21 were objected to.

With this Amendment, claims 17 and 19 have been cancelled without prejudice, claims 1, 4, 18, 20, 22, and 23 have been amended, and allowable claim 20 has been rewritten in independent form.

Claims 1-16, 18, 20-23, and 48-63, therefore, remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 102

Claims 1-6, 11, 17-19, 22, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Horvath et al. US Patent No. 6,705,705.

With this Amendment, claims 17 and 19 have been cancelled without prejudice. In addition, dependent claims 18, 22, and 23 have been amended to depend directly or indirectly from allowable claim 20. The rejection of claims 17-19, 22, and 23 under 35 U.S.C. 102(e), therefore, is rendered moot.

With this Amendment, independent claim 1 has been amended to clarify "the printhead including a nozzle surface and having a perimeter defined by opposite ends and opposite sides extended between the opposite ends, the opposite ends and the opposite sides oriented substantially perpendicular to the nozzle surface," and clarify "wherein the at least one barrier contacts and extends between the cover and the at least one of the sides of the printhead."

With respect to the Horvath et al. patent, Applicant submits that this patent does not teach or suggest an ink cartridge for an ink jet printer including at least one barrier that prevents adhesive material from flowing along at least one of the sides of the printhead to locations away from the at least one connector wherein the at least one barrier contacts and extends between the cover and the at least one of the sides of the printhead as claimed in independent claim 1.

In view of the above, Applicant submits that independent claim 1 is patentably distinct from the Horvath et al. patent and, therefore, is in a condition for allowance.

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Furthermore, as dependent claims 2-6 and 11-13 further define patentably distinct claim 1, Applicant submits that these dependent claims are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejection of claims 1-6, 11, 17-19, 22, and 23 under 35 U.S.C. 102(e) be reconsidered and withdrawn, and that claims 1-6, 11, 18, 22, and 23 be allowed.

Allowable Subject Matter

Claims 7-10, 14-16, and 48-63 are allowed. Applicant appreciates the indicated allowance of these claims.

Claims 12, 13, 20, and 21 are objected to as being dependent upon a rejected base claim and are indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicant agrees with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant submits that the above-identified claims are allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the invention is paraphrased.

With this Amendment, Applicant has rewritten allowable claim 20 in independent form to include all of the limitations of the base claim (claim 17) and any intervening claims (claim 19). Accordingly, Applicant has amended claims 18, 22, and 23 to depend directly or indirectly from rewritten independent claim 20. As rewritten claim 20 is now believed to be in allowable form, Applicant respectfully submits that dependent claims 18, 21, 22, and 23 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 20 and 21 be withdrawn and that claims 18, 20, 21, 22, and 23 be allowed.

Applicant appreciates the indicated allowability of claims 12 and 13. As outlined above, Applicant, however, has amended independent claim 1 (from which claims 12 and 13 depend) to clarify **"the printhead including a nozzle surface and having a perimeter defined by opposite ends and opposite sides extended between the opposite ends, the opposite ends and the opposite sides oriented substantially perpendicular to the nozzle surface,"** and clarify **"wherein the at least one barrier contacts and extends between the**

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cover and the at least one of the sides of the printhead." As amended independent claim 1 is believed to be in allowable form, Applicant respectfully submits that claims 12 and 13 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 12 and 13 be withdrawn, and that claims 12 and 13 be allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-16, 18, 20-23, and 48-63 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Donald J. Coulman at Telephone No. 541-715-1694, Facsimile No. 541-715-8581 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 18th day of December, 2006.

By 
Name: Scott A. Lund